CHECK

3

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3208 /2003

PETITIONER : **Shishir Kumar Sharma, S/o Dr. J.D.Sharma, aged 37 years, Occupation- Government Service presently working as Chief Executive Officer, Janpad Panchayat, Abhanpur District Raipur (C.G.), R/o Abhanpur, District Raipur (C.G.).**

-VERSUS-

RESPONDENTS :

1. **State of Chhattisgarh through Secretary, Department of Panchayat and Rural Development, D.K.S.Bhavan, Raipur (C.G.)**
2. **Development Commissioner, Government of Chhattisgarh, Raipur (C.G.).**
3. **Chief Executive Officer, Jila Panchayat, Raipur (C.G.).**
4. **Collector, Raipur (C.G.).**
5. **Collector, Korba (C.G.).**

P. R. No. 3133/03
Presented by Shri Shishir Kumar Sharma
dated 09.10.03

RECEIVED COPY.
9.10.
CLERK TO A.G. BILASPUR

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3208 of 2003

Petitioner: Shishir Kumar Sharma

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Rajeev Shrivastava Advocate for the petitioner.

Shri Pankaj Shrivastava, Panel lawyer for the Respondents/State.

ORAL ORDER

(22nd February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was working on the post of Chief Executive Officer, Janpad Panchayat-Abhanpur, District-Raipur. Vide impugned order dated 6.10.2003 (Annexure P/7) he was transferred to the post of Assistant Project Officer, Zila Panchayat – Korba on the ground of administrative exigency. The petitioner has filed this petition impugning the transfer order dated 6.10.2003 on the ground of frequent transfers.
2. This Court by interim order dated 15.11.2003 stayed the operation of the impugned order dated 6.10.2003 until further orders.
3. Learned counsel for the petitioner submits that by virtue of this court's order dated 15.11.2003, the petitioner has continued on the same old place of posting and the impugned order was never given effect to in respect of the petitioner. The petitioner has been granted final relief by interim order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. The petitioner/employee cannot be permitted to remain at one place, forever, by Court orders. At this stage, it is not necessary to examine validity of the transfer order at this stage. In the facts of the case, the respondents are directed not to insist upon compliance of the impugned transfer order.

5. This petition has become infructuous with the passage of time. Accordingly the petition is dismissed as having become infructuous. However, respondents/authorities are at liberty to pass appropriate order for posting the petitioner in the public interest and administrative exigency, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu